

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

BRICE M HUTCHINGS, III,

Plaintiff,

V.

Case No.: 4:19-cv-1254-LCB-HNJ

**MARSHALL COUNTY
COURTHOUSE, *et al.*,**

Defendants.

ORDER

On March 9, 2020, U.S. Magistrate Judge Herman N. Johnson, Jr. issued a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1) recommending that this action be dismissed for failure to prosecute. (Doc. 11). Plaintiff filed no objections to the Report and Recommendation.

Plaintiff filed his complaint in August of 2019 with a motion to proceed in forma pauperis without prepayment of the Court’s civil-action filing fee. (Docs. 1 & 2). To proceed in forma pauperis, an incarcerated plaintiff must “submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a)(2). Plaintiff’s application did not include this account statement, and the Magistrate Judge issued a notice of deficient

pleading to apprise him of the missing IFP application requirement. (Doc. 3). Plaintiff filed another IFP application once again without a certified copy of his prisoner account statement, and the Magistrate Judge issued a second notice of deficient pleading. (Docs. 4 & 5). On January 29, 2020, Plaintiff was ordered to show cause within thirty days why he should not be required to pay the \$350.00 fee. (Docs. 3, 5 & 10). Plaintiff was warned that failure to show cause could result in the dismissal of this action. (Doc. 10). Plaintiff failed to comply with the show-cause order.

Having reviewed the proposed findings and recommendations for plain error, the Court concludes that the Magistrate Judge's Report and Recommendation (Doc. 11) should be **ACCEPTED** and hereby **ADOPTS** it as the findings of the Court. This action is therefore **DISMISSED WITHOUT PREJUDICE**.

The Clerk is **DIRECTED** to mail a copy of this Order to the plaintiff.

DONE and **ORDERED** this April 9, 2020.



LILES C. BURKE
UNITED STATES DISTRICT JUDGE